

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINARECEIVED  
USDC, CLERK GREENVILLE, SC

GREENVILLE DIVISION

2017 MAY 17 PM 3:45

Kevin Bryant,  
Plaintiff,

v.

J. Reuben Long Detention Center,  
Phillipe E. Thompson, Wayne M.  
Owens, Joey Johnson, and  
Christine Snyder  
Defendants,C/A No.: 6:16-2905-TLW-KFMOBJECTIONS TO  
MAGISTRATE'S REPORT  
AND RECOMMENDATION

The Plaintiff, Kevin Bryant, would respectfully assert objections to the honorable Magistrate Court's report and recommendations pursuant to 28 U.S.C. § 636 (b)(1) and Thomas v. Arn, 474 U.S. 140, 150 (1985). The Plaintiff received the magistrate's report and recommendation from the Broad River Prison mailroom personnel on May 1, 2017.

This Objections to Magistrate's Report and Recommendation is timely, pursuant to the applicable court rules and case laws, and is properly before this honorable Court.

OBJECTION ONE: Plaintiff objects to magistrate court's factual finding that it is through the Plaintiff's neglect that no Roseboro response has been filed, therefore the Plaintiff has abandoned his lawsuit.

The Plaintiff did not receive service of the April 4, 2017 letter nor the April 18, 2017 letter specifically advising the Plaintiff that failure to file a response in this action by April 18, 2017 will result in this action being dismissed by the district court for failure to prosecute. (See Exhibit #1, Affidavit of Kevin Bryant).

The Plaintiff is housed in the Marion Dorm of the Broad River Prison and this dorm has been on security lock down for nearly three (3) month for inmates accused of stabbing two (2) correctional officers with knives. The Marion Dorm received additional lock down for an officer being assaulted the week of April 17, 2017. The access to law library has been denied for large portions of this lock down time. The access to receive and to post mail has been severely interrupted. I have complained and complained and complained throughout this lock down and I was told the deprivation of serving mail to Marion Dorm will get better.

The Broad River Prison mailroom personnel have been responsible for losing mail and non-deliverance of mail. The Broad River Prison mailroom personnel did not serve me with the April 4, 2017 nor the April 18, 2017 letters of warnings from the district court, I don't know why but it is not the Plaintiff's fault at all. The Plaintiff did what he was suppose to do and did update his mailing address to effect proper service of mailings from the federal courts. I don't know what is going on with my mailings.

The Plaintiff has immediately filed this Objection as soon as he received the warning in the service mail of the magistrate court's Report and Recommendation that failure to file objections will result in waiver to contest the rulings in this case. Had Plaintiff received the April 4, 2017 letter or the April 18, 2017 letter the Plaintiff would have promptly responded in accordance to the magistrate's Order and strict warnings of possible dismissal for failure to prosecute. I wasn't properly notified by service of mail, I didn't neglect to respond, I wasn't aware. The dismissal pursuant to Fed. R. Civ. Proc. Rule 41(b) is not applicable and not warranted under the facts of this case. The dismissal of this case is too drastic a sanction under the facts of this case. (See Ballard V. Carlson, 882 F2d 93 (4<sup>th</sup> Cir)).

WHEREFORE the Plaintiff prays this honorable Court to Grant the Plaintiff the full opportunity to file a Roseboro response in this case and have this Court take the response into consideration in determining the appropriateness in granting or denying the Defendant's summary judgement motions.

Date: May 4, 2017

Kevin Bryant

Kevin Bryant #343324  
MARION DORM / BRC1  
4460 Broad River Rd.  
Columbia, SC 29210



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Kevin Bryant,  
Plaintiff

v.

J. Reuben Long Detention Center,  
Phillipe E. Thompson, Wayne M.  
Owens, Joey Johnson, and Christine,  
Snyder  
Defendants.

C/A No.: 6:16-2905-TLW-KFM

CERTIFICATE OF  
SERVICE

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I, Kevin Bryant, do hereby certify that a true copy  
of Plaintiff's Objection to Magistrate's Report and Recommendation  
has been delivered upon the U.S. District Court by mailing a copy  
of said documents in the U.S. Mail, postage prepaid, via hand  
delivery to the Broad River Prison mailroom personnel on

May 4, 2017. Addressed to:

Robin L. Blume, Clerk  
U.S. District Court  
300 East Washington St.  
Greenville, S.C. 29601

SWORN and Subscribed before me

this 4 day of May 2017.

Kevin Bryant

Kevin Bryant 343324

4460 Broad River

Columbia SC 29210

[Signature]  
NOTARY PUBLIC FOR SOUTH CAROLINA

My Commission Expires: 8/16/2020